

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	10-00343-01-CR-W-DW
LEONARD V. JENKINS,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on February 4, 2011. Defendant Jenkins appeared in person and with appointed counsel Ronna Holloman-Hughes. The United States of America appeared by Assistant United States Attorney Gene Porter.

I. BACKGROUND

On December 14, 2010, an indictment was returned charging Defendant with one count of unlawfully detaining, delaying, destroying or opening mail not directed to him, in violation of 18 U.S.C. § 1703(b).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Porter announced that he and AUSA Theresa Moore will be trial counsel for the government. The case agents to be seated at counsel table are Paul Shade and Jeffrey Cooper, U.S. Postal Service, OIG.

Ms. Holloman-Hughes announced that she will be the trial counsel for Defendant Jenkins. Investigator Allen Bush will assist at trial.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Mr. Porter announced that the government intends to call ten or less witnesses with or without stipulations during the trial.

Ms. Holloman-Hughes announced that Defendant Jenkins intends to call four witnesses, including Defendant, during the trial. Defendant may testify.

V. TRIAL EXHIBITS

Mr. Porter announced that the government will offer approximately 65 exhibits in evidence during the trial.

Ms. Holloman-Hughes announced that Defendant Jenkins will offer approximately 10 exhibits in evidence during the trial.

VI. DEFENSES

Ms. Holloman-Hughes announced that Defendant Jenkins will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Ms. Holloman-Hughes stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are likely as to chain of custody and underlying background facts.

IX. TRIAL TIME

Counsel were in agreement that this case will take two days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed December 16, 2010, counsel for each party file and serve a list of exhibits he/she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by February 9, 2011.

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, February 9, 2011.

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, February 9, 2011. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

Motions in limine on the following issues will probably be filed regarding 125 pieces of bulk mail. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and Defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on February 14, 2011. The parties seek the second week of the trial docket.

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by February 11, 2011. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

/s/ Robert E. Larsen

ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
February 4, 2011

cc: Mr. Kevin Lyon